

# Ninety-First Regular Session

Wednesday, December 29, 1993

The chief clerk makes the following entries under the above date.

## INTRODUCTION OF BILLS

Read first time and referred:

### Senate Bill 620

Relating to forcing children to view sexual activity (suggested as remedial legislation by the legislative reference bureau).

By Law Revision Committee.

To committee on Judiciary and Insurance.

### Senate Bill 621

Relating to grants to school districts to provide services to limited-English speaking pupils from Southeast Asian language groups (suggested as remedial legislation by the department of public instruction).

By Law Revision Committee.

To committee on Education.

### Senate Bill 622

Relating to the use of preliminary breath screening tests for underage drinking violations.

By Senators Lorman, Petak, Darling, Buettner and Drzewiecki; cosponsored by Representatives Goetsch, Lehman, Schneiders, Owens, Silbaugh, Ladwig, Hahn, Zukowski, Vergeront, Duff, Huber, Brandemuehl, Boyle, Turner, Urban, Seratti and Ward, by request of Dodge County Circuit Court Judge Andrew P. Bissonnette.

To committee on Judiciary and Insurance.

### Senate Bill 623

Relating to specifications for buildings, structures or facilities to be occupied by state agencies.

By Senators Decker, Lasee and Breske; cosponsored by Representatives Huber, Springer, Hahn, Boyle, Roberts, Potter, Lorge and Ourada.

To committee on State Government Operations and Corrections.

### Senate Bill 624

Relating to increasing a school district's revenue limit by the cost incurred to comply with the federal Americans with disabilities act.

By Senators Adelman, Clausing, Breske and Burke; cosponsored by Representatives R. Young, Stower, Musser, Ott, Coleman, Baldus, Schneiders, Hinkfuss and Ryba.

To committee on Education.

## COMMITTEE REPORTS

### REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

#### Appendix to Senate Bill 416

#### Public Policy Involved

The basic purpose of a retirement system is to provide income during the retirement years. National studies indicate that the majority of persons receiving a lump sum payment from a retirement system in lieu of monthly payments spend part or all of that lump sum payment for purposes other than retirement income. Federal statutes and IRS regulations place restrictions and penalties on premature distributions from retirement plans that are not rolled over into another retirement vehicle to discourage the spending of such funds for other purposes.

On the other hand, participants who terminate covered employment with relatively short service may qualify for monthly pensions that would not be meaningful in retirement planning. Recognizing this, WRS law requires a lump sum payment of very small monthly annuities (\$41 in 1993), based upon the present value of that annuity. In addition, WRS law permits employees with relatively small monthly annuity rights (\$41 to \$107 in 1993) to elect a lump sum payment of the present value of that annuity in lieu of monthly annuity payments. The current values of these thresholds (\$41 to \$107) are adjusted each year by the "salary index" as defined under Ch. 40, Stats.--the annual percent increase in the average of total wages subject to Social Security withholding.

The rationale for the present levels of these thresholds is always subject to judgment questions and review. The present value levels may be too low relative to current salary levels and retirement income needs. The purpose of this bill is to substantially increase the mandated and permissible thresholds upon which monthly annuities would be paid in a lump sum to \$175 and \$200.

This represents substantial increases in the present \$41 mandatory threshold and also the present permissible threshold of \$107 per month. The present value of \$175 per month would average over \$20,000

depending upon the age of the participant. Relatively high lump sum values might encourage retiring participants to elect a lump sum payment for purposes other than retirement planning.

Other potential increases in the lump sum thresholds could be considered such as \$100 and \$200 per month. Thresholds of the \$100 and \$200 would represent increases of about 100% over the current thresholds of \$41 and \$107, and these were the levels recommended by the JSCRS relative to 1991 S.B. 249.

**Recommendation**

The Joint Survey Committee on Retirement Systems recommends that the mandatory conversion threshold of \$175 provided in Senate Bill 416 be amended to \$100. If so amended, the Committee finds that Senate Bill 416 represents good public policy and recommends its passage.

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|----------------------------|----------------------------------|
| Senator Farrow<br>Co-Chair | Representative Meyer<br>Co-Chair |
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Read and referred to committee on State Government Operations and Corrections.

**REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS**

**Appendix to Senate Bill 489**

**Public Policy Involved**

National Guard technicians who were employed in Wisconsin became state employees on January 1, 1966, pursuant to session law. As such, they became eligible for the various fringe benefit programs for state employees including the Wisconsin Retirement Fund (WRF) and sick leave credits. At a later date the legislature extended retroactive retirement service credit to such technicians for service performed before 1966--newly extending about 91 years of creditable service for 14 effected participants. However, this retroactive legislation did not grant similar credits for unused sick leave that had been accumulated for service as National Guard technicians in the State of Wisconsin before January 1, 1966.

The State's accumulated sick leave credit conversion (ASLCC) plan became effective on July 1, 1972, and it provides that unused sick leave accumulations at the time of retirement may be converted under certain conditions to pay health insurance premiums after retirement until the account is exhausted. The credits

are converted at retirement to a dollar value based upon the base salary at the time of termination.

The purpose of this legislation is to grant sick leave credits for sick leave that had been accumulated before 1/1/66, if adequate evidence of such accumulation is furnished to the DETF. This legislation could effect about 14 active or retired participants or the beneficiaries thereof, with a probable maximum additional cost of \$100,000 for accumulated sick leave credits. This legislation would establish equity for this unique group of state employees who have not received such recognition to this date.

**Recommendation**

The Joint Survey Committee on Retirement Systems finds that Senate Bill 489 reflects good public policy, and the Committee recommends its passage.

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| Senator Farrow<br>Co-chair | Representative Meyer<br>Co-chair |
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Read and referred to committee on Judiciary and Insurance.

**PETITIONS AND COMMUNICATIONS**

State of Wisconsin  
Department of Public Instruction  
December 23, 1993

To the Honorable the Legislature:

As required by s. 118.37, Wis. Stat., enclosed is the statewide evaluation report of the post secondary enrollment options (PSEO) program. The legislation requires the State Superintendent of Public Instruction to conduct an evaluation of the educational and fiscal effects of the PSEO program. To provide information for the evaluation, all school districts were asked to complete a survey form, PI-8702 by August 31, 1993, for the time period of July 1, 1992 to June 30, 1993. The survey form asked districts about their impressions and participation in the program while also soliciting their written comments and suggestions.

This report begins to establish initial trends about PSEO and serves as a foundation of information to enable educators, parents, taxpayers, and government officials too make better informed decisions about meeting the educational needs of our children. The department will continue to gather and record anecdotal information about PSEO in order to further assess program effectiveness. It is recommended that after one more year of program implementation, the department

conduct a review of all existing evaluation data to determine if additional statutory or rule changes will be needed. Additional specific data analysis is available upon request by contacting Ken Brittingham at 266-2829.

Sincerely,  
John T. Benson, State Superintendent  
Department of Public Instruction

State of Wisconsin  
Department of Public Instruction  
December 23, 1993

To the Honorable the Legislature:

The State Superintendent's Assessment Advisory Committee, created as part of Act 269, has completed its work. The committee was appointed in the spring of 1993 and met through the remainder of the year to produce, by January 1, 1994, their recommendations for the plan for statewide assessment.

The committee included representatives of teachers, administrators, guidance counselors, parents, university personnel, and school boards. They gathered information about the current assessment programs in the department and spent several meetings discussing their vision for assessment in Wisconsin.

A draft plan was written by department staff for the committee's review. The plan was also reviewed by a four-member reactor panel made up of a director of assessment for another state, a university professor with expertise in the area of assessment, a research professional with a teacher's organization, and a representative of business and industry. The comments of those four people were carefully considered in completing recommendations for the plan. Finally, the plan was presented to the state superintendent of public instruction on December 13.

Act 269 requires the state superintendent of public instruction to submit the plan to the legislature by January 1, 1994. I herewith forward the attached plan to you. I believe this provides a detailed, comprehensive plan for implementing a forward-looking statewide assessment system for Wisconsin.

Sincerely,  
John T. Benson, State Superintendent  
Department of Public Instruction

State of Wisconsin  
Department of Public Instruction  
December 23, 1993

To the Honorable the Legislature:

As required by s. 119.23, Wis. Stat., enclosed for distribution to the appropriate standing committees is the third-year report on the Milwaukee Parental Choice Program. Authored by John Witte, professor with The Robert M. La Follette Institute of Public Affairs and the Department of Political Science of the University of Wisconsin-Madison, the report in comprehensive, pointing out both positive and negative aspects of the program.

I believe this report provides continuing evidence that a private school choice program is not a panacea, nor does it deal directly or substantially with the challenges faced by the Milwaukee Public Schools. In January I will be announcing the establishment of an urban education task force and look forward to a practical approach by this task force to the many challenges faced by the schools located in urban communities in this state.

Sincerely,  
John T. Benson, State Superintendent  
Department of Public Instruction

Referred to committee on Education.

State of Wisconsin  
Office of the Governor

December 17, 1993

To the Honorable, the Senate:

Section 119.80 (2) of the statutes, as amended by 1993 Act 16, requires the submission of the attached joint expenditure proposal. This proposal is for the expenditure of funds in the appropriation under s. 20.255(2)(ec) during the 1994-95 school year.

The appropriation under s.20.255(2)(ec), Aid to Milwaukee Public Schools, was established at \$8 million for fiscal year 1994-95. The funds are to be used to correct the academic deficiencies of educationally and economically disadvantaged pupils and to achieve a more effective and responsive educational program in the Milwaukee public school district.

Approval of this plan by the Joint Committee on Finance is required prior to the distribution of any funds in this appropriation under s. 20.255(2)(ec) by the Department of Public Instruction.

The proposed plan maintains the funding levels approved in 1993-94 under s. 119.80(1) for expenditures from this appropriation. The appropriation under s. 20.255(2)(ec) was also \$8 million in 1993-94.

The Milwaukee public school district has requested an increase of \$620,000 (7.75%) in 1994-95 to reflect salary

increases since 1992-93. We recommend that no increase be provided as a part of this expenditure plan. There have been no changes in the condition affecting this appropriation since the legislature approved the \$8 million funding level in 1993 Act 16. However, this program will be reviewed during the 1995-97 budget deliberations.

As required, this plan has also been submitted to the co-chairs of the Joint Committee on Finance.

Respectfully,  
TOMMY G. THOMPSON  
Governor

JOHN T. BENSON  
State Superintendent

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#### SENATE CLEARINGHOUSE ORDERS

##### Senate Clearinghouse Rule 93-94

Relating to certification of persons to act as first responders in providing emergency medical care in prehospital settings and certification of first responders to perform defibrillation.

Submitted by Department of Health and Social Services.

Report received from agency, December 23, 1993.

Referred to committee on Health, Human Services and Aging, December 29, 1993.

##### Senate Clearinghouse Rule 93-160

Relating to the uniform commercial code filing system and federal tax lien and railroad-related filings.

Submitted by Secretary of State.

Report received from agency, December 22, 1993.

Referred to committee on State Government Operations and Corrections, December 29, 1993.

##### Senate Clearinghouse Rule 93-180

Relating to licensing of family day care centers.

Submitted by Department of Health and Social Services.

Report received from agency, December 27, 1993.

Referred to committee on Health, Human Services and Aging, December 29, 1993.

##### Senate Clearinghouse Rule 93-181

Relating to continuing education.

Submitted by Department of Regulation and Licensing.

Withdrawn from the committee on Business, Economic Development and Urban Affairs and referred to committee on Health, Human Services and Aging, December 29, 1993.

##### Senate Clearinghouse Rule 93-182

Relating to the use of therapeutic pharmaceutical agents and diagnostic pharmaceutical agents by licensed optometrists.

Submitted by Department of Regulation and Licensing.

Withdrawn from committee on Business, Economic Development and Urban Affairs and referred to committee on Health, Human Services and Aging, December 29, 1993.